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OFFICE OF PETITIONS

In re Application of  
Theodore D. Jones  
Application No. 10/799,805  
Filed: March 12, 2004  
Attorney Docket No. **HE1.001**

ON PETITION

This is a decision on the petition filed September 22, 2008, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned January 19, 2006 for failure to file a timely response to the non-Final Office Action mailed October 18, 2005. Accordingly, a Notice of Abandonment was mailed May 26, 2006.

Petitioner claims that when the correspondence address change was filed December 14, 2004, the facsimile transmission was poorly received, the USPTO misread the customer number and as a result, all correspondences mailed after that date were not received.

A review of the file confirms that a change of address to customer number 23893 was read as 23883. Petitioners have effectively demonstrated their diligent efforts to update the address by customer number and to ensure that correspondence mailed from the USPTO was properly addressed.

The non-Final Office Action was mailed to the wrong address and as petitioners claim, not received. In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and this matter is being referred to Technology Center 3765 for a re-mailing of the non-Final Office Action mailed October 18, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned  
Petitions Attorney at (571) 272-3212.

Patricia Lison-Ball

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